

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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| In the Matter of |) | |
| |) | |
| LightSquared Subsidiary LLC |) | IB Docket No. 12-340 |
| |) | SAT-MOD-20120928-00160 |
| Applications for Modification of Ancillary |) | SAT-MOD-20120928-00161 |
| Terrestrial Authority Associated With Its |) | SES-MOD-20121001-00872 |
| Mobile-Satellite Service L-Band Licenses |) | |

To: Chief, Satellite Division
International Bureau

REPLY COMMENTS OF LOCKHEED MARTIN CORPORATION

Lockheed Martin Corporation (“Lockheed Martin”), pursuant to Section 25.154 of the Commission’s Rules, 47 C.F.R. § 25.154 and the Commission’s November 16, 2012 public notice in Report No. SPB-245,¹ hereby replies to the Reply Comments of LightSquared Subsidiary, LLC (“LightSquared”) in the above-captioned proceeding.²

In its initial comments in this proceeding on LightSquared’s September and October 2012 modification of license applications in File Nos. SAT-MOD-20120928-00160, et seq. (“Modification Applications”), Lockheed Martin noted that LightSquared had proposed only “to vacate the 10 MHz of its terrestrially-licensed spectrum closest to GPS, which will provide GPS receivers a permanent guardband from terrestrial services, and to gain access to 5 MHz of

¹ See Public Notice, Report No. SPB-245 (released November 16, 2012), inviting comments and petitions to deny on the modification of license applications LightSquared filed in File Nos. SAT-MOD-20120928-00160, et seq. (“Modification Applications”), with respect to the ancillary terrestrial component (“ATC”) of its mobile-satellite service (“MSS”) system in the 1525-1559 MHz and 1626.5-1660.5 MHz bands. The Commission’s public notice set a deadline of January 11, 2013 for responses to reply comments.

² Reply Comments of LightSquared Subsidiary, LLC, IB Docket No. 12-340 (filed January 4, 2013) (“LightSquared Reply Comments”).

alternate spectrum, so that it can begin to build a mobile broadband network”³ Lockheed Martin proceeded to address both elements of LightSquared’s Modification Applications in detail, and concluded that there are “very compelling reasons for the Commission to at least defer consideration of the Modification Applications. At the very least, there is no present basis for the Commission to do more than accept LightSquared’s relinquishment of all terrestrial authority for the 1536-1559 MHz portion of the 1525-1559 MHz band – without prejudice to the pending confirmation of the *February 15 Public Notice*’s proposal to confirm NTIA’s determination that terrestrial mobile broadband service cannot be feasibly provided at all in the 1525-1559 MHz band.”⁴

Lockheed Martin repeats these statements here because it appears from the LightSquared Reply Comments that the points made by Lockheed Martin and others were not noted. The vast majority of LightSquared’s filing addresses its related proposal to have the Commission allocate the band 1675-1680 MHz for terrestrial mobile broadband service use.

LightSquared’s contention that “no party has filed a petition to deny the Modification Applications, or otherwise attempted to demonstrate that grant of the Modification Applications would be *prima facie* inconsistent with the public interest . . . ,”⁵ ignores Lockheed Martin’s comments. Lockheed Martin very clearly stated that LightSquared’s Modification Applications cannot be allowed to move forward until the Commission has resolved the rulemaking petition LightSquared filed in RM-11681 regarding access to the 1675-1680 MHz band. Lockheed Martin filed in the proceeding in RM-11681; due to concerns

³ Comments of Lockheed Martin Corporation in IB Docket No. 12-340, at 1 (quoting Modification Applications, Narrative Exhibit, at 4) (filed December 17, 2012) (“Lockheed Martin Comments”).

⁴ *Id.* at 7.

⁵ LightSquared Reply Comments at 3 (emphasis in original).

regarding LightSquared's attempt to link the new mobile application to LightSquared's continuing terrestrial objectives in the 1525-1559 MHz Mobile-Satellite Service ("MSS") band, Lockheed Martin argued "that the Commission should 'only consider an allocation to the mobile service at 1675-1680 MHz if the Commission determines that such an allocation is compatible with existing users of the band; that sharing conditions can reliably be identified and imposed on the eventual non-Federal licensee(s); and that the allocation independently advances the public interest, convenience, and necessity.'"⁶ These concerns and arguments remain valid and unaddressed. LightSquared's Modification Applications cannot be granted at this time.

To complicate matters, LightSquared's Reply Comments retreat from the only proposal to which Lockheed Martin had expressed no concerns or objection. Specifically, Lockheed Martin understands LightSquared to now state that its proposal to relinquish any terrestrial authority previously granted for the portion of the 1525-1559 MHz band above 1536 MHz – was only made in exchange for spectrum rights LightSquared seeks to have granted exclusively to it at 1675-1680 MHz.⁷ LightSquared now states that it "does not propose, nor would LightSquared accept, the unilateral termination of its rights in the Upper 10 MHz . . ."⁸ Lockheed Martin is not aware of a basis for consideration of space and earth station

⁶ Lockheed Martin Comments at 6 (quoting Lockheed Martin Opposition in RM-11681, at 3 (filed December 10, 2012)). LightSquared also did not address Lockheed Martin's question as to whether the terrestrial mobile authority LightSquared seeks can even be granted through applications to modify space-station and earth station licenses. LightSquared is seeking Part 27-like terrestrial mobile authority that has no connection with space services or Part 25 of the Commission's rules. *Id.* at 6 n.10.

⁷ LightSquared Reply Comments at 28.

⁸ *Id.* Lockheed Martin had expressed no objection to the proposed relinquishment, but emphasized that such a relinquishment is without prejudice to confirmation of the Commission's proposed determination from February 2012 that terrestrial mobile service is not feasible anywhere in the 1525-1559 MHz band. Lockheed Comments at 5 (citing FCC Public Notice, "International Bureau Invites Comment on NTIA Letter Regarding LightSquared Conditional Waiver," DA 12-214, IB Docket No. 11-109, at 3 (released February 15, 2012)).

modification applications that are explicitly contingent on the completion of as-yet uninitiated allocation proceedings.

On the basis of the foregoing, it is now clear that the Commission should defer consideration of the Modification Applications, as proposed by Lockheed Martin, or dismiss the filings as premature.

Respectfully submitted,

LOCKHEED MARTIN CORPORATION

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January 11, 2013

CERTIFICATE OF SERVICE

I, Jennifer Warren, hereby certify that on this 11th day of January, 2013, a copy of the foregoing Comments of Lockheed Martin Corporation is being sent via first class, U.S. Mail, postage prepaid, to the following:

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